



The hearing is your opportunity to present ALL information relevant to the issue on your Unemployment Insurance determination. This brochure will help you prepare for your hearing. Review this information carefully.

NOTICE OF HEARING

The first page of the Notice of Hearing lists important facts for your hearing, like the names, addresses and telephone numbers of participants, claimant's SSN, and the date and time of the hearing. The Notice also includes more requirements for the hearing process. The packet included with the Notice contains documents previously submitted to the department. Have all of these documents with you at the hearing. All of the documents are numbered for easy reference during the hearing.

Address and Phone:

Check your address and phone number on the Notice of Hearing. It is your responsibility to make sure the information is correct. If it is wrong, call or fax the changes to the Hearings Bureau at least 15 minutes before the set hearing time to be sure you get to participate.

Date and Time:

This is when we'll hold the hearing. Be ready to participate at this time. If you are not available, we will hold the hearing without you and issue a decision. If you have an emergency, call the Hearings Bureau before the hearing, or as soon as possible thereafter. If the Hearing Officer has not called you by 15 minutes **after** the time set for hearing, call the Hearings Bureau at (406)444-4662. Do not forget about time zone differences.

The Issue:

The issue(s) is stated on your Notice of Hearing beneath the names and addresses of the parties. The issue is determined from your appeal of an Unemployment Insurance Division determination

or redetermination. This is the only subject that will be considered during the hearing.

The Parties:

The CLAIMANT is the one who can receive benefits. The other party in the hearing may be an EMPLOYER or it may be the Unemployment Insurance Division itself.

Parties to a hearing are called the APPELLANT (the one who appealed) and the RESPONDENT (the one who is "answering" the appeal). Since either party may appeal a previous determination, either party may be the Appellant. Your notice of hearing identifies which is which.

THE HEARING

The hearing is the time for you to present your case. During the hearing, all testimony is given under oath. The hearing is tape recorded.

Preparing Your testimony:

We recommend that you list the important facts of the case in the order they occurred. Use documents or witnesses to support your facts. Start with the claimant's job title, hours worked per week, wage, date of separation, and how the job ended. Continue with details leading to the separation, such as: incidents, meetings, warnings, counseling, and grievances. End with a description of what caused the job to end.

Evidence:

For purposes of this hearing, evidence is the proof you use to establish or disprove the elements of a claim. Evidence includes documents, videotapes, audio tapes, pictures and witness testimony. The numbered documents mailed to you with the Notice of Hearing may be used as evidence during the hearing if they are relevant and admissible. If you want the Hearing Officer to consider any other document or evidence that was not included with the Notice of Hearing, you must mail copies of the evidence to **both** the Hearing Officer **and** the opposing party prior to the hearing. If you do not send a copy of the evidence to the other party, it will not be admitted. The Hearing Officer will not allow repetitive or irrelevant evidence to be admitted into the record. The evidence should have some tendency to prove or disprove an issue of

fact in the case. Anything not admitted into the record at the hearing will not be used in making the decision.

The hearing is a public proceeding, and the record of the hearing and the decision are public records. If a hearing participant intends to place into evidence testimony or documents which should not be part of the public record for privacy or confidentiality reasons, the party requesting non-disclosure must ask the hearing officer that the evidence be sealed. Once evidence is made part of the public record, it cannot thereafter be withdrawn from the record and sealed from the public.

Witness:

A "witness" is a person who has direct, relevant information about the issue. Generally, a witness is someone who observed what happened, not someone you told about what happened. We call witnesses and accept testimony only during the hearing. Before the hearing, you must make arrangements with your witnesses to be available and prepared. You must provide names and telephone numbers for your witnesses before the hearing. We can telephone your witnesses at any number you provide.

Questioning Witnesses:

Ask short, open-ended questions. Ask questions that can be answered by relating facts, rather than by "yes" or "no." Avoid leading questions such as, "Is it true you were at your place of employment Saturday night?" since leading questions reduce the believability of your witness. Instead ask, "Where were you Saturday night?"

Telephone Use:

If you have several people on a telephone line, it weakens the signal. This causes a poor connection and a poor recording. Please limit the use of extension phones. Also, introduce participants at the beginning of the hearing and before they speak. Cellular telephones are permitted, but are not recommended because of transmission problems. Remember that if you have not been called by 15 minutes **after** the time set for the hearing, you need to call the Hearings Bureau

ALSO

Subpoenas:

You can subpoena witnesses in Montana who are unwilling to testify. Upon request, we will mail you a blank subpoena. You must complete the subpoena and have it delivered to the witness. Request subpoenas at least one week in advance of the hearing to allow adequate delivery time.

Do you want to participate? Withdrawals.

If you are the Appellant and you want to withdraw your appeal, please mail or fax us a withdrawal statement. You may withdraw by telephone, but we still need a written statement from you. If you withdraw, the hearing will not take place. If the appellant is not available for the hearing and has not requested a postponement, the Hearing Officer will issue a decision based on the best evidence available.

If you are the Respondent, you are not required to participate. Remember that if you do not participate, you will not be able to have any evidence admitted, present any testimony, or question any testimony given by the other party.

**AMERICANS WITH
DISABILITIES ACT**

We comply with the "Americans With Disabilities Act." If you need accommodations for your hearing, please call the Hearings Bureau at (406) 444-4662 or the TDD at (406) 444-0532

CHECK LIST

____ Make sure your address and phone

number on the Notice of Hearing are correct.

- ____ Note time and date of hearing; account for time zone differences.
- ____ Check the issue. Ask yourself, Do I understand it and is it what I think the appeal is all about? If not, notify the Hearings Bureau.
- ____ Ensure copies of all relevant documents, including warnings, employer policies, and witness statements are included in the exhibits. Deliver copies of all additional documents to all parties and the Hearings Bureau before hearing.
- ____ List facts in chronological order.
- ____ Be prepared to describe the details of what happened to cause the job to end, or to explain other reasons the claimant should or should not be eligible for benefits.
- ____ Notify witness(es) of the time and date of the hearing.
- ____ Have witness(es) available at the time set for hearing.
- ____ Request subpoenas, if needed. Serve to witness(es) preferably 5 days before the hearing.
- ____ Have only necessary participants on telephone extensions.
- ____ Notify the Hearings Bureau at (406) 444-4662 if you choose not to participate.

Hearings Bureau

PHONE (406) 444-4662

FAX (406) 444-2689

TDD (406) 444-0532

**ARE YOU
PREPARED
FOR YOUR
UNEMPLOYMENT
INSURANCE**



HEARING?

**THIS BROCHURE
CAN HELP!**